

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Miami Division

Case No: 02-23272-CIV-MOORE/O'SULLIVAN

JACK E. DOMINIK, P.A., a Florida
professional corporation,

Plaintiff,

v.

COMSOF N.V., a corporation of the
Netherlands Antilles and TOM DE
GEETERE, an individual of Belgium,

Defendants /

CLERK OF DISTRICT COURT
S.D. OF FLA. - MIA
SEP 29 11:34
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI

DEFENDANTS' UNOPPOSED MOTION TO SET HEARING

Defendants, COMSOF N.V. and TOM DE GEETERE, by and through their undersigned attorneys, hereby request a hearing before this court, and as grounds state:

1. On December 19, 2002 and December 20, 2002, a Motion to Dismiss was filed by Defendant TOM DE GEETERE, a Motion to Quash Service was filed by Defendant COMSOF and a Notice of Filing of Affidavit of DE GEETERE.
2. On January 14, 2003, Plaintiff filed its Response to Motion to Dismiss of TOM DE GEETERE and response to COMSOF'S Motion to Quash.
3. On January 31, 2003, COMSOF filed its Reply to Plaintiff's Response to COMSOF'S Motion to Quash Service, and Reply of DE GEETERE to Plaintiff's Response to Motion to Dismiss of DE GEETERE.
4. In accordance with the above, as of January 31, 2003, the foregoing motions were ripe for determination.

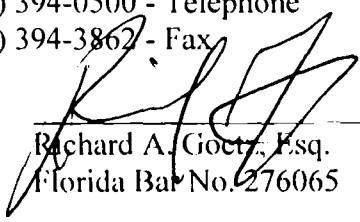


5. Since there has been no ruling on these pending motions, Defendants have been confronted with and have had to spend considerable time and effort responding to voluminous discovery requests of the Plaintiffs at considerable expense. As a result of the Scheduling Order, compliance with trial requirements will impose further considerable expense upon the Defendants.
6. In accordance with the above, Defendants respectfully request that the court schedule a hearing so that any questions the court may have concerning the pending motions can be answered to allow the court to make its determination. It is unfair to the Defendants to have to continue to defend an action that should be dismissed.
7. Defendants have conferred with Plaintiff's counsel and has been advised that there is no objection to this motion.

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to Sarah Clasby Engel, Esquire, Harke & Clansby, LLP, 155 South Miami Avenue, Suite 600, Miami, FL 33130 this 26 day of September, 2003.

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By: _____


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